

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

FRANCIS GRANDINETTI,  
#A0185087,

Plaintiff,

v.

ACO 111 RONOLO, *et al.*,

Defendants.

CIVIL NO. 21-00147 DKW-WRP

DISMISSAL ORDER

**DISMISSAL ORDER**

Before the court is pro se prisoner Francis Grandinetti's ("Grandinetti") "Federal Complaint and Fed. R. Civ. P. 65 Application." ECF No. 1. Grandinetti, who is currently incarcerated at the Halawa Correctional Facility ("HCF"), alleges that adult corrections officers used excessive force against him on March 9, 2021. *Id.* at 1–2.

The court must conduct a pre-Answer screening of any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity, or in which a plaintiff proceeds in forma pauperis. 28 U.S.C. §§ 1915(e)(2), 1915A(a). During this screening, the court must dismiss any complaint, or any portion thereof, that is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks damages from defendants who are

immune from suit. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b); *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (noting that 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) “are directed at screening out meritless suits early on”); *see also Harris v. Harris*, 935 F.3d 670, 675 (9th Cir. 2019) (describing screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(a)–(b)).

The court may dismiss as frivolous a complaint, or any portion thereof, when the complaint or claims therein are duplicative of claims brought in another action. *See Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (holding there is no abuse of discretion in dismissing action as frivolous when a complaint “merely repeats pending or previously litigated claims” (internal quotation marks and citation omitted)); *see also Bailey v. Johnson*, 846 F.2d 1019, 1020–21 (5th Cir. 1988) (“[W]e have dismissed an appeal as frivolous because it involved a duplicative action arising from the same series of events and alleging many of the same facts as an earlier suit[.]”); *Aziz v. Burrows*, 97 F.2d 1158, 1159 (8th Cir. 1992) (concluding that district courts may dismiss duplicative complaints even where they involve different defendants).

In this action, Grandinetti alleges that adult corrections officers used excessive force against him while he was moving from one housing unit to another on March 9, 2021. ECF No. 1 at 1–2. Grandinetti makes the same allegations in another action already pending in this court. *See Pro Se Plaintiff on Federal*

Complaint and FRCP 65 Application: 03/09/21, Excessive or Unlawful Force by SHU ACO “Good Squad II,” HMSF at 1, *Grandinetti v. HMSF “Good Squad II” ACO staff*, Civ. No. 21-00140 JMS-WRP (D. Haw. Mar. 15, 2021), ECF No. 1. In the earlier, pending action, the court issued a Deficiency Order directing Grandinetti either to pay the statutory filing fee and the administrative fee, or to submit a fully completed Application to Proceed In Forma Pauperis by a Prisoner by April 7, 2021. *See* Deficiency Order at 3–4, Civ. No. 21-00140 JMS-WRP, ECF No. 2. The court also directed Grandinetti to resubmit his claims using the court’s approved Prisoner Civil Rights Complaint form. *Id.* at 4. Grandinetti must pursue his claims based on events that allegedly occurred on March 9, 2021, if at all, in Civ. No. 21-00140 JMS-WRP.

This action is DISMISSED without prejudice with the proviso that Grandinetti must pursue his claims, if at all, in Civ. No. 21-00140 JMS-WRP. The Clerk is DIRECTED to terminate this case. The Court will take no action on documents filed herein beyond processing a notice of appeal.

IT IS SO ORDERED.

DATED: March 22, 2021 at Honolulu, Hawaii.



/s/ Derrick K. Watson  
Derrick K. Watson  
United States District Judge

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*Francis Grandinetti v. ACO III Ronolo, et al.*; Civ. No. 21-00147 DKW-WRP;  
**DISMISSAL ORDER**